

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Moody, D.J. *et al.*

Application No: 10/563,459

Filed: July 10, 2006

Title: *Process and Intermediates Useful
in the Preparation of Statins,
Particularly Atorvastatin*

Art Unit: 1626

Examiner: Loewe, S.J.Y.

Atty. Docket No.: **HGX-004.01**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 23313-1450

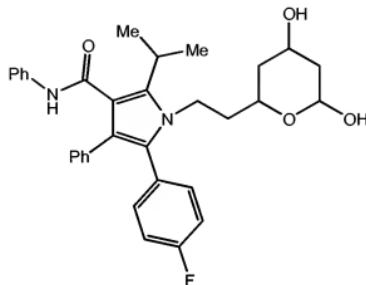
RESPONSE TO RESTRICTION REQUIREMENT

Dear Examiner Loewe:

In response to the outstanding Restriction Requirement, mailed 02 November 2007, in the above-identified application, the Applicants respectfully elect **Invention VII**, Group V, claim 14, drawn to products of Formula 5.

Election of Species for Search Purposes

The Applicants respectfully elect for search purposes the species depicted below, which is the subject of Example 8 in the Specification.



The elected species corresponds to Formula 5, wherein R¹ is i-Pr; R² is phenyl; R³ is 4-F-C₆H₄; X is -C(O)NHPH; P¹ is H; W is -OP²; and P² is H. Claim 14 reads on the elected species.

Of course, the election of species made herein is made solely for search purposes. The Applicants expressly reserve the right to prosecute species not elected herein in other patent applications claiming the benefit of the filing date of this application. Furthermore, the Applicants understand that upon allowance of a generic claim, they will be entitled to consideration of claims to additional species or product claims which are written in dependent form or otherwise include all the limitations of an allowed generic claim. *See* 37 C.F.R. 1.141.